REMARKS

Claims 1-13 are pending in the application, and are currently rejected.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 - 13 are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,519,636 to Engel et al. in view of U.S. Patent No. 6,707,799 to Chui.

In independent claim 1, for example, Applicant discloses:

1. An Internet telephone system having an Internet network for transferring voice information in the form of a voice packet which is transmitted from a voice communications terminal incorporating a voice communications function, and transferring data in the form of a data packet which are transmitted from a data communications terminal incorporating a data communications function, said system comprising:

a first detecting unit for detecting a transition of a call-out state of said voice communications terminal;

a packet assembling unit for assembling, when said first detecting unit detects the transition of the call-out state of said voice communications terminal, a control packet containing indication information for changing, to a predetermined limit value, a maximum length of each of the data packets transferred via said Internet network; and

a first routing unit for routing, when receiving the control packet containing the indication information, each of the data packets and the voice packet to said Internet network while changing the maximum length of the data packet to the predetermined limit value.

Engel discloses a system for classifying, manipulating and controlling packet communications over a network in accordance with applications associated with the packets (see, e.g., abstract of Engel). The Examiner acknowledges that Engel fails to disclose Applicant's claim limitations disclosing a <u>packet assembling unit</u> for assembling, when a first detecting unit detects the transition of a call-out state of a voice communications terminal, a <u>control packet</u> containing indication information for <u>changing, to a predetermined limit value, a maximum</u>

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length of each of a plurality of data packets transferred via said Internet network. The Examiner suggests that this limitation is however suggested by Chui.

Chui discloses a frame relay fragmentation protocol for enabling frame relay access devices and switches to support real-time applications such as Voice over IP (VoIP) communications (see, e.g., abstract of Chui). In order to facilitate VoIP communications, for example, Chui teaches negotiating a fragmentation protocol each remote peer assigned to a virtual circuit (VC) for completing the VoIP call (see, e.g., column 3, lines 23 – 53 of Chui). A fragmentation frame size is part of the negotiation, and the smaller of two negotiated fragments is used for fragmentation. Chui further notes that fragmentation may alternatively be turned off when it is determined that network systems in the network fail to support fragmentation (see, e.g., column 3, lines 27 – 29).

Applicant respectfully submits that the combination of Engel and Chui nonetheless fails to suggest all of the limitations of Applicant's claimed Internet telephone system. For example, Applicant's claimed control packet includes "information for changing, to a predetermined limit value, a maximum length of each of the data packets". In sharp contrast to Applicant's claimed limitation, while Chui discloses an application programming interface (API) used to inform a frame control protocol (FCP) of a voice call status (see, e.g., column 5, lines 53 – 58), the API cannot provide information specifying a predetermined limit value, as fragment size is negotiated by the peers after the peer that initiates the negotiation has been informed of the voice call status and determines that fragmentation is supported by the associated network systems.

In addition, the fragment size negotiated by the system of Chui fails to provide a predetermined limit value defining a maximum length for each data packet transferred. Rather, the fragment size negotiated by the system of Chui specifies a fixed packet size used for all data

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packets. Advantageously, according to Applicant's claimed system, and unlike the FCP of Chui, voice packets and data packets that are shorter than a maximum defined length need not be reformatted into packets of a single fixed packet size.
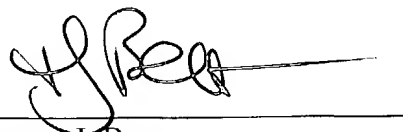
Applicant substantially reapplies these arguments in regard to the method claimed in independent claim 8, and respectfully submits that independent claims 1 and 8 recite distinguishing features not suggested nor disclosed in the combination of cited Engel in view of Chui, and are therefore in condition for allowance. As each of claims 2 – 7 and 9 – 13 depends from one of allowable claims 1 and 8, Applicant further submits that each of claims 2 – 7 and 9 – 14 is allowable for at least this reason.

CONCLUSION

In view of the amendments and set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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